

# HOUSE BILL NO. 5302

December 19, 2019, Introduced by Reps. Chirkun, Crawford, Allor, Garza, Warren, Huizenga, Cambensy, Jones and Yaroach and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16265, 17708, and 18001 (MCL 333.16265, 333.17708, and 333.18001), section 17708 as amended by 2016 PA 499 and section 18001 as amended by 2018 PA 355, and by adding section 16348a and part 186.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** Sec. 16265. (1) An individual licensed under this article to



1 engage in the practice of chiropractic, dentistry, medicine,  
 2 optometry, osteopathic medicine and surgery, podiatric medicine and  
 3 surgery, psychology, ~~or~~ veterinary medicine, **or naturopathic**  
 4 **medicine** shall not use the terms "doctor" or "dr." in any written  
 5 or printed matter or display without adding thereto "of  
 6 chiropractic", "of dentistry", "of medicine", "of optometry", "of  
 7 osteopathic medicine and surgery", "of podiatric medicine and  
 8 surgery", "of psychology", "of veterinary medicine", "**of**  
 9 **naturopathic medicine**", or a similar term, respectively.

10 (2) An individual licensed under part 182 shall not use the  
 11 terms "doctor" or "dr." without having been granted a doctoral  
 12 degree in psychology from a regionally or nationally accredited  
 13 college or university.

14 **Sec. 16348a. The department shall annually establish a**  
 15 **schedule of fees for an individual licensed or seeking licensure as**  
 16 **a naturopathic physician under part 186 to offset the department's**  
 17 **administrative expenses under that part.**

18 Sec. 17708. (1) "Preceptor" means a pharmacist approved by the  
 19 board to direct the training of an intern in an approved pharmacy.

20 (2) "Prescriber" means a licensed dentist, a licensed doctor  
 21 of medicine, a licensed doctor of osteopathic medicine and surgery,  
 22 a licensed doctor of podiatric medicine and surgery, a licensed  
 23 physician's assistant, a licensed optometrist certified under part  
 24 174 to administer and prescribe therapeutic pharmaceutical agents,  
 25 an advanced practice registered nurse as that term is defined in  
 26 section 17201 who meets the requirements of section 17211a, a  
 27 licensed veterinarian, **a licensed doctor of naturopathic medicine,**  
 28 or another licensed health professional acting under the delegation  
 29 and using, recording, or otherwise indicating the name of the



1 delegating licensed doctor of medicine or licensed doctor of  
2 osteopathic medicine and surgery.

3 (3) "Prescription" means an order by a prescriber to fill,  
4 compound, or dispense a drug or device written and signed; written  
5 or created in an electronic format, signed, and transmitted by  
6 facsimile; or transmitted electronically or by other means of  
7 communication. An order transmitted in other than written or hard-  
8 copy form must be electronically recorded, printed, or written and  
9 immediately dated by the pharmacist, and that record is considered  
10 the original prescription. In a health facility or agency licensed  
11 under article 17 or other medical institution, an order for a drug  
12 or device in the patient's chart is considered for the purposes of  
13 this definition the original prescription. For purposes of this  
14 part, prescription also includes a standing order issued under  
15 section 17744e. Subject to section 17751(2) and (5), prescription  
16 includes, but is not limited to, an order for a drug, not including  
17 a controlled substance except under circumstances described in  
18 section 17763(e), written and signed; written or created in an  
19 electronic format, signed, and transmitted by facsimile; or  
20 transmitted electronically or by other means of communication by a  
21 physician prescriber, dentist prescriber, or veterinarian  
22 prescriber who is licensed to practice dentistry, medicine,  
23 osteopathic medicine and surgery, or veterinary medicine in another  
24 state.

25 (4) "Prescription drug" means a drug to which 1 or more of the  
26 following apply:

27 (a) The drug is dispensed pursuant to a prescription.

28 (b) The drug bears the federal legend "CAUTION: federal law  
29 prohibits dispensing without prescription" or "Rx only".



1 (c) The drug is designated by the board as a drug that may  
2 only be dispensed pursuant to a prescription.

3 Sec. 18001. (1) As used in this part:

4 (a) "Medical care services" means those services within the  
5 scope of practice of podiatric physicians licensed by the board,  
6 except those services that the board prohibits or otherwise  
7 restricts within a practice agreement or determines shall not be  
8 delegated by a podiatric physician without endangering the health  
9 and safety of patients as provided for in section 18048.

10 (b) "Participating podiatrist" means a podiatric physician or  
11 a podiatric physician designated by a group of podiatric physicians  
12 under section 18049 to represent that group.

13 (c) "Podiatric physician" or "**podiatrist**" means an individual  
14 who is licensed under this article to engage in the practice of  
15 podiatric medicine and podiatric surgery.

16 (d) "Practice agreement" means an agreement described in  
17 section 18047.

18 (e) "Practice as a physician's assistant" means the practice  
19 of podiatric medicine and podiatric surgery with a participating  
20 podiatric physician under a practice agreement.

21 (f) Except as otherwise provided in subdivision (g), "practice  
22 of podiatric medicine and podiatric surgery" or "**practice of**  
23 **podiatric medicine and surgery**" means any of the following:

24 (i) The evaluation, diagnosis, management, and prevention of  
25 conditions of the lower extremities, including local manifestations  
26 of systemic disease in the human foot and ankle, by attending to  
27 and advising patients and through the use of devices, diagnostic  
28 tests, drugs and biologicals, surgical procedures, or other means.  
29 The evaluation, diagnosis, management, and prevention of conditions



1 of the lower extremities may include osseous and soft tissue  
 2 procedures that address the pathology of the foot, ankle, and the  
 3 contiguous attachments below the tibial tuberosity.

4 (ii) The treatment of ulcerations below the tibial tuberosity  
 5 and of human nail diseases, callosities, and verruca.

6 (g) "Practice of podiatric medicine and podiatric surgery" or  
 7 **"practice of podiatric medicine and surgery"** does not include  
 8 amputations proximal to the tibiotalar joint, proximal osseous  
 9 procedures that do not involve the tibiotalar joint, or the  
 10 administration of intravenous sedation or general anesthesia.

11 (h) "Task force" means the joint task force created in section  
 12 17025.

13 (2) In addition to the definitions in this part, article 1  
 14 contains general definitions and principles of construction  
 15 applicable to all articles in this code and part 161 contains  
 16 definitions applicable to this part.

## 17 PART 186

### 18 NATUROPATHIC PHYSICIANS

19 **Sec. 18601. (1) For purposes of this part, the words and**  
 20 **phrases defined in sections 18603 to 18609 have the meanings**  
 21 **ascribed to them in those sections.**

22 (2) In addition to the definitions in this part, article 1  
 23 contains general definitions and principles of construction  
 24 applicable to all articles in the code and part 161 contains  
 25 definitions applicable to this part.

26 **Sec. 18603. (1) "Approved naturopathic medical program" means**  
 27 **any of the following:**

28 (a) A naturopathic medical education program that is located  
 29 in the United States, that provides the degree of doctor of



1 naturopathy or doctor of naturopathic medicine, and that meets all  
2 of the following requirements:

3 (i) Offers graduate-level full-time didactic and supervised  
4 clinical training.

5 (ii) Is accredited or has achieved candidacy status for  
6 accreditation by a federally recognized accrediting body for  
7 naturopathic medical programs approved by the board.

8 (iii) Is an institution or part of an institution of higher  
9 education that is accredited or is a candidate for accreditation by  
10 a regional or national institutional accrediting agency recognized  
11 by the United States secretary of education.

12 (b) A naturopathic medical education program offered by a  
13 degree-granting college or university that meets all of the  
14 following requirements:

15 (i) Offered a full-time structured curriculum in basic sciences  
16 and supervised patient care comprising a doctoral naturopathic  
17 medical education.

18 (ii) Was at least 132 weeks in duration and required completion  
19 of the program within a period of at least 35 months as a  
20 prerequisite to graduation.

21 (iii) Was offered by a college or university that was reputable  
22 and in good standing in the judgment of the board.

23 (iv) If the program is still offered, it is accredited by a  
24 federally recognized accrediting body for naturopathic medical  
25 programs approved by the board.

26 (c) A naturopathic medical education program offered by a  
27 diploma-granting, degree-equivalent college or university located  
28 in Canada that meets all of the following requirements:

29 (i) Was offered by a college or university that had provincial



1 approval for participation in government-funded student aid  
2 programs.

3 (ii) Offered a full-time structured curriculum in basic  
4 sciences and supervised patient care comprising a doctoral  
5 naturopathic medical education.

6 (iii) Was at least 132 weeks in duration and required completion  
7 of the program within a period of at least 35 months as a  
8 prerequisite to graduation.

9 (iv) Was offered by a college or university that was reputable  
10 and in good standing in the judgment of the board.

11 (v) If the program is still offered, it is accredited by a  
12 federally recognized accrediting body for naturopathic medical  
13 programs approved by the board.

14 (vi) If the program is still offered, the college or university  
15 has provincial approval for participation in government-funded  
16 student aid programs.

17 (d) A naturopathic medical education program offered by a  
18 diploma-granting, degree-equivalent college or university located  
19 in Canada that provides the degree of doctor of naturopathy or  
20 doctor of naturopathic medicine and that meets all of the following  
21 requirements:

22 (i) Offers graduate-level full-time didactic and supervised  
23 clinical training.

24 (ii) Is accredited or has achieved candidacy status for  
25 accreditation by a federally recognized accrediting body for  
26 naturopathic medical programs approved by the board.

27 (iii) Is offered by a college or university that has provincial  
28 approval for participation in government-funded student aid  
29 programs.



1 (2) "Device" means that term as defined in section 17703.

2 Sec. 18605. "Minor office procedure" means any of the  
3 following:

4 (a) The use of operative, electrical, or other methods for the  
5 repair and care incidental to superficial lacerations and  
6 abrasions, superficial lesions, and the removal of foreign bodies  
7 located in the superficial tissues and the use of antiseptics and  
8 local topical anesthetics in connection with those methods.

9 (b) Obtaining specimens to diagnose, assess, and treat  
10 disease.

11 Sec. 18607. (1) "Naturopathic formulary" or "formulary" means  
12 the list of nonprescription and prescription drugs that  
13 naturopathic physicians use in the practice of their profession, as  
14 determined by the board.

15 (2) "Naturopathic medicine" means a system of practice that is  
16 based on the natural healing capacity of individuals for the  
17 diagnosis, treatment, and prevention of diseases.

18 (3) "Naturopathic musculoskeletal mobilization" means the  
19 treatment of all body tissues by manual and other mechanical means,  
20 including high-velocity, low-amplitude mobilization at or beyond  
21 the end range of normal joint motion.

22 (4) "Naturopathic physician" means an individual who is  
23 licensed under this article to engage in the practice of  
24 naturopathic medicine.

25 Sec. 18609. (1) "Practice of naturopathic medicine" means  
26 performing any of the tasks, functions, or duties that are  
27 consistent with the individual's naturopathic education and  
28 training and described in section 18615.

29 (2) "Prescription drug" means that term as defined in section





1 17708.

2           Sec. 18611. (1) Beginning 180 days after rules are promulgated  
3 under section 18623, an individual shall not engage in the practice  
4 of naturopathic medicine unless he or she is licensed or otherwise  
5 authorized under this article.

6           (2) Subject to subsection (3), the following words, titles, or  
7 letters or combination of the following words, titles, or letters,  
8 with or without qualifying words or phrases, are restricted in use  
9 to only those individuals authorized under this part to use the  
10 terms and in a way prescribed in this part: "doctor of naturopathic  
11 medicine", "doctor of naturopathy", "naturopathic physician",  
12 "naturopathic doctor", "naturopathic medical doctor", "naturopathic  
13 medicine", "n.d.", and "n.m.d.".

14           (3) If he or she does not use the word or title "doctor",  
15 "physician", "medical doctor", or "medicine", subsection (2) does  
16 not restrict the use of any of the following words or titles by an  
17 individual described in subsection (4) (f) or (g) in connection with  
18 his or her practice: "naturopathy", "naturopathic health care",  
19 "naturopath", "naturopathic practitioner", or "traditional  
20 naturopathic practitioner".

21           (4) In addition to the exemptions from licensure under section  
22 16171, this part does not prohibit or restrict any of the  
23 following:

24           (a) The practice of a profession or occupation by an  
25 individual who is licensed, certified, registered, or otherwise  
26 authorized under this act or other laws of this state and who is  
27 performing services within his or her authorized scope of practice.

28           (b) The practice of naturopathic medicine by students enrolled  
29 in an approved naturopathic medical program. The performance of



1 services must be pursuant to a course of instruction or assignments  
2 from an instructor and under the supervision of the instructor. The  
3 instructor must be a naturopathic physician licensed under this  
4 part or a duly licensed professional in the field of instruction.

5 (c) Self-care by a patient or uncompensated care by a friend  
6 or family member who does not represent or hold himself or herself  
7 out to be a naturopathic physician.

8 (d) An individual who sells vitamins or herbs from providing  
9 information about his or her products.

10 (e) An individual from advising in the use of a therapy,  
11 including, but not limited to, herbal medicine, homeopathy,  
12 nutrition, or other nondrug or nonsurgical therapy that is within  
13 the scope of practice of naturopathic physicians under this part,  
14 if all of the following requirements are met:

15 (i) The individual is not a health professional and the therapy  
16 is within that individual's lawful rights to perform under a health  
17 occupation. If the individual is a health professional, the therapy  
18 must be within the scope of practice of that health profession  
19 under this article.

20 (ii) The individual is not using a word, a title, or letters  
21 protected under this part and does not represent or hold himself or  
22 herself out to be a naturopathic physician.

23 (f) An individual who is educated and trained in naturopathy  
24 or naturopathic health care and provides naturopathic therapy  
25 within the scope of that education and training.

26 (g) An individual who is educated and trained as a naturopath,  
27 naturopathic practitioner, or traditional naturopathic practitioner  
28 and who provides naturopathic therapy within the scope of that  
29 education and training.



1 (h) A registered dietician or nutritional professional who  
2 meets the requirements of 42 USC 1395x(vv) (2) (A) and (B) from doing  
3 any of the following upon receiving a referral from a health  
4 professional:

5 (i) Prescribing dietary treatments.

6 (ii) Providing nutritional and dietary counseling.

7 (iii) Conducting nutritional and dietary assessments.

8 (iv) Developing, recommending, and ordering nutritional and  
9 dietary treatments, including therapeutic diets, for patients or  
10 groups of patients.

11 Sec. 18613. To be eligible for a license to engage in the  
12 practice of naturopathic medicine in this state, an applicant shall  
13 submit all of the following to the board, as applicable:

14 (a) A completed application for licensure.

15 (b) Except as otherwise provided in subdivision (c), evidence  
16 that he or she is a graduate of an approved naturopathic medical  
17 program and that he or she has successfully passed a competency-  
18 based national naturopathic physicians licensing examination  
19 administered by an agency that is nationally recognized to  
20 administer a naturopathic physicians licensing examination that  
21 represents federal standards of education and training and that is  
22 approved by the board.

23 (c) For a graduate of an approved naturopathic medical program  
24 described in section 18603(1) (b) or (c), evidence of successful  
25 passage of a board-approved state competency examination or  
26 Canadian provincial examination.

27 (d) Any other information or documents required under this  
28 article or required by the board.

29 Enacting section 1. This amendatory act takes effect 90 days



1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect  
3 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5303 (request no.  
4 03471'19) of the 100th Legislature is enacted into law.

